

REMARKS

Upon entry of the present amendment, claim 18 will have been amended and claim 35 will have been submitted for consideration by the Examiner. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

In response to the Amendment under 37 C.F.R. § 1.116 filed on February 23, 2005, the Examiner issued an Advisory Action in which he indicated that claims 1 and 12-17 have been allowed. Applicants respectfully thank the Examiner for accepting their arguments and for indicating the allowability of claim 1 and claims 12-17, which are dependent on claim 1.

However, the Examiner indicated that claims 18 and 20-27, which depend on claim 18, remain rejected as unpatentable over CHRISTIE and OHTOMO. Applicants respectfully submit that the Examiner's interpretation of the references and his application of the combination of the references against Applicants claims is inappropriate and should thus be reconsidered and withdrawn. Accordingly, Applicants traverse the Examiner's rejection.

In discussing the rejection of claim 18, the Examiner asserted that OHTOMO discloses "continues to transmit the distance measurement light after the data transmitting" in column 16, in Fig. 20, step S88. It is respectfully submitted that the Examiner is incorrect in his interpretation of the OHTOMO disclosure. In particular, in describing step S88 of Fig. 20, OHTOMO at column 16, lines 46-49 discloses that

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modulation of the irradiated light is changed to continuous modulation at a frequency of 15 MHz and distance measurement is performed by a signal with a frequency of 15MHz. However, this portion of the disclosure merely indicates that light previously transmitted is merely modulated at 15 MHz to perform distance measurement. It does not refer, as asserted by the Examiner, to the transmission of distance measurement light after the data transmitting period.

Additionally, none of the timing charts of Figs. 19 and 23 or the graphical representations of the transmission data of Fig. 18 disclose transmission of the distance measurement light after the data transmitting period, as asserted to be disclosed by the Examiner. Accordingly, for this reason alone, it is respectfully submitted that the Examiner's rejection is inappropriate and should be withdrawn.

Moreover, in discussing claim 18, the Examiner asserted that it is "implied" in CHRISTIE that when the data transmission is shorter than the distance measuring transmission, the distance measuring transmission will continue to transmit for several thousand pulses collected by the CCD in one frame thereby providing for a supplemental light emitting period. It is respectfully submitted that the Examiner is incorrect in his interpretation of the CHRISTIE reference. As previously noted, CHRISTIE teaches the basic principle of three-dimensional of image capturing methods and discloses a light source, an image device and a distance information sensing processor. However, CHRISTIE contains no disclosure or suggestion of a data transmitting processor that controls radiation of a data light beam from the light source so that data is transmitted to an external device. Accordingly, CHRISTIE cannot disclose anything about data transmission being shorter than distance measuring

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transmission since no data transmission is disclosed by CHRISTIE. For this additional reason, it is respectfully submitted that the Examiner's rejection is inappropriate and should be withdrawn.

While Applicants have set forth an adequate and sufficient reason for the patentability of claim 18 over the references applied thereagainst by the Examiner, to even more clearly emphasize the patentability of claim 18, Applicants have further amended the same to clarify the features of the present invention. In view of these amendments, claim 18 is even more clearly patentable over the references cited by the Examiner.

In addition, by the present response, Applicants have submitted claim 35 for consideration. It is respectfully submitted that the features of claim 35 are not taught, disclosed nor rendered obvious by the combination proposed by the Examiner. Moreover, the features of claim 35 find explicit support in Applicants original disclosure at least in Fig. 28 and page 57, lines 15-17. Accordingly, claim 35 is submitted to be patentable over the combination of references based on its own recitations as well as based on the features of claim 18 from which it depends.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejection and an indication of the allowability of all the claims pending in the present application.

Regarding claims 1 and 12-17, Applicants note the Examiner's Statement of Reasons for Allowance. In this regard, while Applicants do not disagree with the features enumerated by the Examiner, Applicants further note that each of the claims in the present application recites a particular combination of features and that the

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patentability of each claim is also based on the particular combination of features recited therein. Accordingly, the reasons for allowability should not be limited to the features noted by the Examiner.

SUMMARY AND CONCLUSION

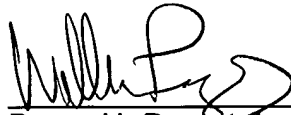
Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended a claim and have submitted a new claim for consideration.

Applicants have pointed out the shortcomings and deficiencies of the combination of references with respect to Applicants invention. Applicants have further discussed the features of Applicants claims and have pointed out the significant and substantial deficiencies of the references applied thereagainst. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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